## REMARKS

In this Amendment, claims 1-36 are canceled, and claims 37-56 are new and pending in this application. Of these, claims 37-42 are drawn to the elected invention, as explained herein. Claims 43-56 are withdrawn as being directed to a non-elected invention, however, rejoinder of claims 43-56 is requested in accordance with MPEP §821.04.

New claims 37-56 correspond to the original claims as follows:

Claim 37 corresponds with original claim 1.

Claim 38 corresponds with original claim 3.

Claim 39 corresponds with original claim 4.

Claim 40 corresponds with original claim 7.

Claim 41 corresponds with original claim 8.

Claim 42 corresponds with original claim 9.

Claim 43 corresponds with original claim 10.

Claim 44 correspond with original claim 11.

Claim 45 corresponds with original claim 17.

Claim 46 corresponds with original claim 18.

Claim 47 corresponds with original claim 19.

Claim 48 corresponds with original claim 20.

Claim 49 corresponds with original claim 21.

Claim 50 corresponds with original claim 22.

Claim 51 corresponds with original claim 23.

Claim 52 corresponds with original claim 32.

Claim 53 corresponds with original claim 33.

Claim 54 corresponds with original claim 34.

Claim 55 corresponds with original claim 35.

No new matter has been introduced. Entry of this Amendment is respectfully requested.

Applicants reserve the right to file one or more divisional applications directed to any non-elected subject matter.

**The Restriction Requirement**

The Examiner has restricted the claims of this application as follows.

**Group I**: Claims 1-9, 27, 30 and 31 drawn to an isolated peptide, or corresponding pharmaceutical composition, cancer vaccine, or kit, and as these claims relate to a single elected peptide or polypeptide.

**Group II**: Claims 10, 34, and 35 drawn to a method for inducing a cytotoxic T lymphocyte comprising contacting peripheral blood mononuclear cells with one or more peptides, and as these claims relate to a single elected peptide or polypeptide.

**Group III**: Claims 11-19, 27, 30, and 31 drawn to an isolated polynucleotide, vector comprising the polynucleotide, and transformant transformed with the

vector, a pharmaceutical composition comprising the polynucleotide, and kit, and as these claims relate to a single elected polynucleotide.

**Group IV**: Claims 20, 27, 30, and 31 drawn to an antibody to a peptide or polypeptide, a pharmaceutical composition comprising the antibody, and kit, and as these claims relate to a single elected polypeptide or peptide.

**Group V**: Claim 21 drawn to a method for screening for a compound that enhances recognition of a peptide by an HLA-A2-restricted or HLA-A26-restricted cytotoxic T lymphocyte comprising contacting said peptide with a compound, and as these claims relate to a single elected polypeptide or peptide.

**Group VI**: Claim 22 drawn to a method for screening a compound that enhances recognition of a peptide by an HLA-A2-restricted or HLA-A26 restricted cytotoxic T lymphocyte comprising contacting HLA-A2+ cells or HLA-A26+ cells which have been pulsed with said peptide with said cytotoxic T lymphocytes in the presence or absence of a compound, and as this claim relates to a single elected peptide.

**Group VII**: Claim 23 drawn to a method for screening for a compound that enhances recognition of a peptide by an HLA-A2-restricted or HLA-A26-restricted cytotoxic T lymphocyte comprising contacting HLA-A2+ cells or HLA-A26+ cells into which a polynucleotide has been transfected with said cytotoxic T lymphocytes in the presence or absence of a compound, and as this claim relates to a single elected polynucleotide or a single elected polypeptide or peptide.

**Group VIII**: Claims 24 and 25 drawn to a compound that enhances recognition of a peptide by an HLA-A2-restricted or HLA-A26-restricted cytotoxic T lymphocyte, and as these claim relate to a single elected polypeptide or peptide.

**Group IX**: Claim 26 drawn to a compound that enhances the expression of a polynucleotide, and as this claim relates to a single elected polynucleotide.

**Group X**: Claim 28 in part, claim 29, and claim 36 in part, drawn to a method for measuring a peptide or polypeptide quantitatively or qualitatively, and as these claims relate to a single elected polypeptide or peptide.

**Group XI**: Claim 28 in part, claim 29, and claim 36 in part, drawn to a method for measuring a polynucleotide quantitatively or qualitatively, and as these claims relate to a single elected polynucleotide.

**Group XII**: Claims 32 and 33, drawn to a method for treating cancer comprising administering a cancer vaccine *in vivo*, and as these claims relate to a single elected polypeptide or peptide.

**Response To Restriction Requirement**

In response, Applicants elect Group 1 (new claims 37-42), drawn to an isolated polypeptide or peptide, and corresponding compositions, and specifically as drawn to the peptide of SEQ ID NO: 188. This election is made **partially with traverse**.

MPEP §803.04 states: "to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Director has decided *sua sponte* to partially waive the requirements [for restriction] and permit a reasonable number of

such nucleotide sequences to be claimed in a single application. It has been determined that normally ten sequences constitute a reasonable number for examination purposes."

While it is acknowledged that MPEP §803.04 refers to "nucleotide" sequences, it is believed that examination of up to ten amino acid sequences would also not be an undue burden on the Patent Office. It is therefore respectfully requested that a reasonable number of polypeptide sequences be examined in this application.

Further, the MPEP §803.02 states with regard to Markush-style claims:

> If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits....

In this regard, the polypeptide and peptide sequences in this application are related. More specifically, the application discloses several polypeptides as well as peptide fragments of these polypeptides. Therefore, it is believed that, at the very least, each polypeptide should be grouped with its peptide fragments for examination purposes.

Consistent with this request, Applicants provisionally elect the polypeptide of SEQ ID NO: 267, along with the corresponding peptide fragments SEQ ID NOS: 185, 186, 187, and 188. Thus, Applicants provisionally elect five sequences, and respectfully submit that examination of five amino acid sequences does not constitute an undue burden. See MPEP citations above.

Further, to facilitate examination, new claims have been presented drawn specifically to this provisional election.

**Rejoinder**

Under revised MPEP §821.04:

> The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected inventions should be considered for rejoinder.
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> ---
>
> In order to be eligible for rejoinder, ***a claim to a nonelected invention must depend from or otherwise require all limitations of an allowable claim.***

Thus, if the Examiner finds claims 37-42 allowable, rejoinder is then requested for new claims 43-55, because these claims depend from, or include all limitations of an elected claim in accordance with the rejoinder rules.

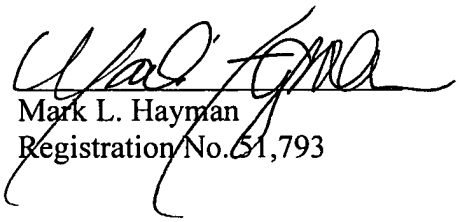
**Conclusion**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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